THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13117 of 2007

Date:28.06.2007

Between:

Patnayakuni Sama Murthy.

.. PETITIONER

AND

The Sub-Registrar and another.

..RESPONDENTS

ORDER:

The petitioner claims to be the owner of house bearing Door No.14-45 in plot No.26 in Survey No.197/A/3 of Vepagunta Village, Gopalapatnam, Visakhapatnam District. It is stated that he intended to gift the said property to a third party and in that process, approached the first respondent for registering the gift deed. Petitioner complains that the first respondent is refusing to receive the document for registration, without furnishing any specific reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The Indian Stamp Act and the Registration Act prescribe the procedure to be followed by the registering authorities, whenever a document is presented for registration. Section 22-A of the Registration Act, which empowered the Government to issue notification, prohibiting registration of any document in relation to any land mentioned in such notification, was held to be unconstitutional. However, altogether a new provision with the

same number 22-A has been introduced by the Andhra Pradesh State Legislature through Act 19 of 2007. It came into force with effect from 08.06.2007. It enlists the circumstances under which the registering authority can refuse to admit the document to registration.

The question as to whether the document, that may be presented by the petitioner, attracted by the newly introduced Section 22-A or any other provision, needs to be examined by the first respondent. The occasion to examine the document would arise, if only, it is received. The first respondent cannot refuse to receive the document.

Hence, the writ petition is disposed of, directing that:

(a) the first respondent shall receive the document that may be presented by the petitioner and examine the same with reference to the relevant provisions of law including Section 22-A of the Registration Act, introduced through Act 19 of 2007; and

(b) in case the document is otherwise admissible to registration, the first respondent shall register it within one(1) week from the date of its presentation, duly ensuring that it is otherwise in order and if there exist any reasons for not registering the document, he shall communicate the same in writing to the petitioner within that time.

There shall be no order as to costs.

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28.06.2007

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